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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,441	02/05/2004	Arman Gilbert Bourgoïn	WH 11 723US	3184
24962	7590	08/07/2006	EXAMINER	
DENNISON ASSOCIATES 133 RICHMOND STREET WEST SUITE 301 TORONTO, ON M5H 2L7 CANADA			SILBERMANN, JOANNE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/771,441	Applicant(s) BOURGOIN ET AL.	
	Examiner Joanne Silbermann	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9,11-16 and 31-41 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9,31-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 11-16 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 19, 2005.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4,5,8,31-37,40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicinbothem et al. in view of Law et al. and Cilento et al. US

#4,427,737

3. Hicinbothem et al. show (Figure 1) a file folder comprising front panel 210 (or 212) and back panel 212 (or 210), and labeling tab 270. Hicinbothem et al. does not teach placing a cellulose reinforcing film on the front and back panels. Law et al. teaches (col. 1 lines 6-64) placing a cellulose reinforcing film over a printed substrate including the cover of a book, for example (column 1 line 16). Cilento et al. teaches an adhesive that allows moisture exchange through the substrate. In view of the teachings of Law et al. and Cilento et al. it would have been obvious to one of ordinary skill in the art to modify Hicinbothem et al. by attaching a cellulose reinforcing film to the front and

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back panels (the cover) of the folder since this would protect the folder from finger marking, scratching, scuffing and abrasion, as taught by Law et al. (col. 3 lines 26-35) and placing the reinforcing film on the front and back panels would protect the entire outer surfaces of the folder in a better manner.

4. Regarding claim 4, Hicinbothem et al. shows (Figure 1) printing on the surface of the folder which would be visible through the reinforcing film.

5. Regarding claim 8, it is considered to be within the level of ordinary skill in the art to vary the thickness of the paper stock and film as desired.

6. Regarding claims 33,36 and 41, the reinforcing film taught by Law et al. is the same material used by Applicant so it inherently includes all of the same characteristics.

7. In regard to claims 32 and 35, the adhesive of Cilento et al. is considered to be water based in that it includes water soluble material that absorbs moisture (column 1 line 50 and column 2 lines 62-63).

8. Claims 2,3,38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicinbothem et al. in view of Law et al. and Cilento et al. as applied to claims 1 and 37 above and further in view of Bohlman, US #4,813,711.

9. Hicinbothem et al. (as modified by Law et al. and Cilento et al.) teach Applicant's basic inventive concept except for writing indicia on the reinforcing film. Bohlman shows in Figures 1-3 that it is known to place indicia, 7, on a base layer, 3, and cover both sides of the base layer with transparent sheets 67 and then write indicia on top of the transparent sheets. In view of the teachings of Bohlman, it would have been

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obvious to one of ordinary skill in the art to modify Hicinbothem (as previously modified) since this would allow additional information (identifying information, date information, instruction information, deadline information, etc.) to be easily added to and removed from the folder in an easier and faster manner.

10. Claims 1,4,5,8,9,31-37,40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicinbothem et al. US #5,197,764 in view of Law et al. US #6,537,407, Cilento et al. US #4,427,737 and Horwitz US #4,806,397 or Kuhns et al. US #5,090,732 .

11. Hicinbothem et al. teaches (Figures 1-4) a file folder comprising front panel 210 (or 212) and back panel 212 (or 210) and labeling tab 270. Hicinbothem et al. do not teach placing a cellulose reinforcing film on the front and back panels. Law et al. teaches (column 1 lines 6-64) the idea of placing a cellulose reinforcing film over a printed substrate. Cilento et al. teaches a water based adhesive. Horwitz teaches (Figures 1-3) the idea of placing reinforcing film 22, 24 over the outer and inner surfaces of the front and back panels. Kuhns et al. teaches (Figures 1-10) placing reinforcing film 5, 7 over the outer surfaces of the front and back panels. In view of the teachings of Law et al. and Horwitz or Kuhns et al. it would have been obvious to one of ordinary skill in the art to modify Hicinbothem et al. by attaching a cellulose reinforcing film to the front and back panels of the folder since this would protect the folder from finger marking, scratching, scuffing and abrasion as taught by Law et al. (column 3 lines 26-35

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and placing the reinforcing film on the front and back panels would protect the entire outer surfaces of the folder in a better manner.

12. Regarding claim 4, Hicinbothem et al. shows (Figure 1) printing on the surface of the folder which would be visible through the reinforcing film.

13. Regarding claim 8, it is considered within the ordinary skill in the art to vary the thickness of the paper stock and film as desired.

14. Regarding claims 33, 36 and 41, the reinforcing film taught by Law et al. is the same material used by Applicant so it inherently includes all of the same characteristics.

15. Claims 2,3,38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicinbothem et al. in view of Law et al. and Cilento et al. and Horwitz or Kuhns et al. as applied to claims 1 and 31 above and further in view of Bohlman.

16. Hicinbothem et al. in view of Law et al. Cilento et al. and Horwitz or Kuhns et al. teach Applicant's basic inventive concept except for writing indicia on the reinforcing film. Bohlman (Figures 1-3) teaches that it is known to place indicia, 7, on a base layer, 3, and cover both sides of the base layer with transparent sheets 67 and then write indicia on top of the transparent sheet. In view of the teachings of Bohlman it would have been obvious to one of ordinary skill in the art to modify Hicinbothem (as previously modified) since this would allow additional information (as described previously) to be easily added to and removed from the folder in an easier and faster manner.

Response to Arguments

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17. Applicant's arguments filed April 24, 2006 have been fully considered but they are not persuasive.

18. The Cilento reference has been applied in response to Applicant's amendments to the claims (claims 1 and 31) stating that moisture exchange occurs between the substrate through the film.

19. Applicant argues that any departure from the adhesive shown in Law et al. would be in contradiction to the teaching of the reference, however, Cilento et al. teaches a breathable film having adhesive that permits moisture exchange. Use of such an adhesive regulates the moisture level and allows the film to remain in place, as taught by Cilento et al. This would provide an improved film, as discussed in the above rejection.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joanne Silbermann
Primary Examiner
Art Unit 3611

js
02 August 2006